

Message Text

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PAGE 01 STATE 135428
ORIGIN L-03

INFO OCT-01 NEA-10 ISO-00 SCS-03 SCA-01 CIAE-00 INR-07
NSAE-00 EUR-12 SP-02 SS-15 NSC-05 /059 R

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APPROVED BY L/M:KEMALMBORG
SCA/SCS - MRS. MULLIN
NEA/ARN - MR. REUTHER
L/T - MR. ROVINE (INFO)

-----111929Z 034722 /42

R 110027Z JUN 77
FM SECSTATE WASHDC
TO AMEMBASSY DAMASCUS

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E.O. 11652: N/A

TAGS: CGEN, SY, UR, US

SUBJECT: SYRIAN-SOVIET CONSULAR AGREEMENT

REFERENCES: (A) DAMASCUS A-17 (APRIL 14, 1977);
(B) STATE 26968; (C) DAMASCUS 767

1. DEPT. GREATLY APPRECIATES EMB.'S BRINGING USSR-SAR
CONSULAR CONVENTION TO DEPT.'S ATTENTION. HAVING REVIEWED
CONTENTS, DEPT. SEES SIGNIFICANT CHANGE FROM POSITION OF
SAR REPORTED PARA 3, REF. C. IN FACT, SAR AGREEMENT WITH
USSR DEPARTS FROM VIENNA CONVENTION ON CONSULAR RELATIONS
TO CONSIDERABLE EXTENT RESPECTING RIGHTS OF CONSULAR
OFFICERS IN PROTECTING RIGHTS OF DETAINED SENDING STATE
NATIONALS AND RENEWS HOPE FOR ACHIEVING PROGRESS IN THIS
REGARD IN US-SAR RELATIONS. MORE DETAILED COMMENT FOLLOWS.

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2. WHILE MOST ARTICLES OF SUBJECT BILATERAL FOLLOW VIENNA
FORMULA (TAKING INTO CONSIDERATION LANGUAGE DIFFERENCES
WHICH PROBABLY STEM FROM LITERAL TRANSLATION), THERE ARE
DIFFERENCES WHICH PLACE THIS AGREEMENT MORE CLOSELY IN
CATEGORY OF U.S. BILATERALS AND THOSE CONCLUDED BY BOTH
WESTERN AND EASTERN EUROPEAN COUNTRIES (BOTH WITH THE U.S.
AND AMONG THEMSELVES). MOST NOTABLY, THE "ANNEX PROTOCOL"

SPECIFIES THE TYPE OF NOTIFICATION/ACCESS TIME LIMITS

(3 AND 4 DAYS, RESPECTIVELY) NORMALLY SOUGHT BY THE U.S. IN ITS BILATERAL NEGOTIATIONS WHILE THE U.S. AGREEMENTS SETTING FORTH THE RIGHTS OF CONSULS IN COMMUNICATING WITH SENDING STATE NATIONALS OFTEN TREAT IN CONSIDERABLY MORE DETAIL HOW THESE RIGHTS CAN BE IMPLEMENTED (E.G., THROUGH TRANSMITTAL AND ACCEPTANCE OF WRITTEN COMMUNICATIONS, PARCELS, ETC., AND THROUGH ATTENDANCE BY CONSULAR OFFICERS AT JUDICIAL PROCEEDINGS), DEPT. VIEWS USSR-SAR PROTOCOL AS CONSTRUCTIVE STEP TOWARDS ACHIEVEMENT OF BASIC GOALS IN THIS AREA.

3. SUBJECT BILATERAL ALSO PROVIDES MORE EXTENSIVE IMMUNITY THAN THE VIENNA CONVENTION TO THE HEAD OF A CONSULAR POST (ART. 15), AS WELL AS TO OTHER CONSULAR OFFICERS AND TO CONSULAR EMPLOYEES AND TO MEMBERS OF THEIR FAMILIES (ART. 15). MORE LIBERAL TREATMENT IS ALSO EXTENDED TO CONSULAR OFFICES WITH RESPECT TO EXEMPTIONS FROM CUSTOMS (I.E., BAGGAGE) INSPECTION (ART. 24(2)).

4. THE ARTICLES ON NOTARIALS AND VITAL STATISTICS AND CITIZENSHIP FUNCTIONS (ART. 29, 31, AND 32) AND ESTATES (ARTS 33-35) ARE ALSO CONSIDERABLY MORE DETAILED THAN CORRESPONDING PROVISIONS IN THE VIENNA CONVENTION. WHILE CERTAIN FUNCTIONS OUTLINED IN THESE ARTICLES ARE AT VARIANCE WITH U.S. PRACTICE AND POLICY, THIS TYPE OF DETAILED TREATMENT IS FAVORED BY THE DEPT.

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5. IN SUM, THE DEPT. IS ENCOURAGED BY THE USSR-SAR BILATERAL AS A POSITIVE SIGN RESPECTING PROSPECTS FOR A U.S.-SAR BILATERAL DISCUSSED REF. (B) AND (C). EMBASSY IS REQUESTED TO PURSUE AVAILABLE AVENUES TO RENEW TO THE SAR U.S. INTEREST IN PURSUING THE PROPOSED BILATERAL CONSULAR AGREEMENT. VANCE

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 11-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE135428
Document Source: CORE
Document Unique ID: 00
Drafter: HFSHAMWELL
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770209-0707
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770666/aaaacfre.tel
Line Count: 103
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e15ae57e-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 DAMASCUS A-17, 77 STATE 26968, 77 DAMASCUS 767
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2184742
Secure: OPEN
Status: NATIVE
Subject: SYRIAN-SOVIET CONSULAR AGREEMENT
TAGS: CGEN, SY, UR, US
To: DAMASCUS
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/e15ae57e-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009